

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

First Named Inventor: MAURIN, JOEL

Art Unit: 2136

Application No.: 10/053,703

Examiner: C. Okoronkwo

Filed: January 24, 2002

Confirmation No.: 7844

For: METHOD AND SYSTEM FOR
COMMUNICATING A CERTIFICATE BETWEEN
A SECURITY MODULE AND A SERVER

* * *

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action of March 2, 2006, and the 13 April
Telephonic interview, and in conjunction with the attached Notice of Appeal, Appellants
hereby request review of the Final Office Action in the above application.

Independent claim 1 recites, *inter alia*, a method for communicating to a server
machine a certificate of a user sent by a client machine... comprising inserting said
certificate into a cookie header of a request in the first protocol and transmitting the
request, including the cookie header containing the certificate, from the security module
to the server machine.

As discussed during the Interview, Devine is directed toward a secure customer
interface for web based data management. Protocols provide an identification of the user,

and then authentication of the user to insure the user is who is he/she claims to be and a determination of entitlements that the user may avail themselves of in the enterprise system. At least based on Fig. 10, and paragraphs 88-90 and 130-133 of Devine, it is readily apparent that Devine does not teach or suggest insertion of the certificate in to a *cookie header* of a request in the first protocol as specified in independent claim 1.

More particularly, and with reference to paragraph 90 of Devine, the exchange between the client and the server is outlined with, once the server is authenticated, Devine teaching that it may be optionally possible to request a certificate from the client, if that is appropriate to the cipher selected. While Devine goes on to discuss the use of cookies, the cookies are discussed in relation to a preferred embodiment that associates a given HTTPS request with a logical session which is initiated and tracked by a "cookie jar server" 32 to generate a "cookie" or session identifier which is a unique server-generated key that is sent to the client along with each reply to a HTTPS request. The client holds that cookie session identifier and returns it to the server as part of each subsequent HTTPS request. Either the web server 24, the cookie jar server 32, or the dispatch server 26, may maintain the "cookie jar" to map the session identifier to the associated session (see paragraph 66 of Devine).

The Office has asserted that Figure 8 (below with highlight added) of Devine is being relied upon and interpreted as the "message".

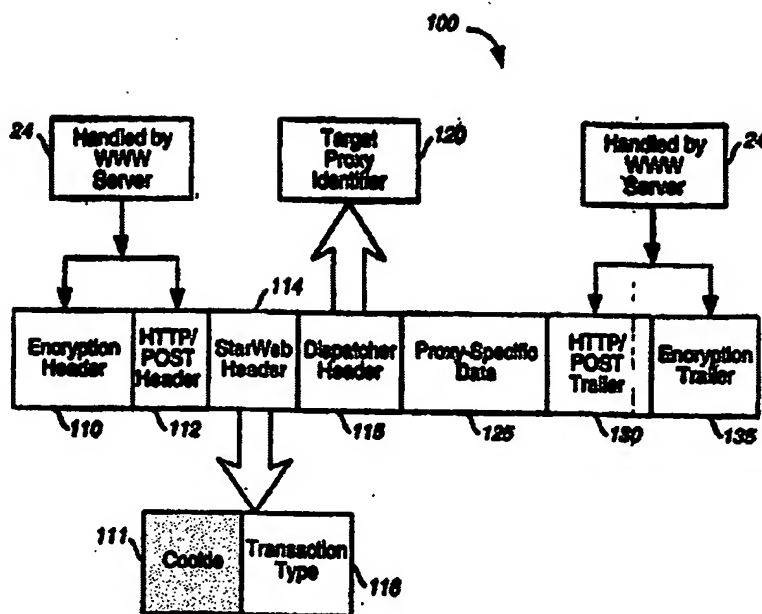


FIG. 8

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The Office's reasoning supporting the rejection is that Devine is asserted to disclose digital certificates in paragraph 86 reciting their usage as a means to "verify the server to the user" and to verify the source of the Java object to be downloaded as a trusted source 86. The Office continues to assert that Devine teaches either the server or a client can send a "certificate message" and "digitally-signed certificate verify message" to verify that the certificate is being sent. The Office concludes by pointing to Devine's alleged disclosure of a cookie, within the certificate, being generated encrypted by SSL encryption and then included into a header. (See Interview Summary)

Paragraph 86 was relied on and in particular its recitation of "certificate message" which is being interpreted by the Office to refer to a certificate. Thus, the Office concluded that the disclosure of the header used to generate a cookie, which is all contained within the certificate, reads upon the claimed cookie header as claimed.

Appellants respectfully submit this interpretation is contrary to the teachings of Devine and, upon careful analysis of Figures of 8 and 10 of Devine, it becomes apparent that there appears to be a misunderstanding of not only the features recited in Claim 1 but also of Devine. Specifically, independent Claim 1 recites that the certificate is inserted into a *cookie header* of a request. Utilizing the Office's analysis, it appears that the Office is interpreting the claims as inserting the certificate [cookies] into a [http] header. Clearly, this is different than the claimed insertion of the *certificate into the cookie header*.

Assuming arguendo that Fig. 8 is being correctly interpreted as a "message," Applicants respectfully submit that with reference to cookie 111, there is no teaching or suggestion in Devine of incorporating a certificate into a cookie header of the cookie 111. Use of the cookie is discussed in Devine, at least on paragraphs 91-94. However, use of the cookie is limited to and cooperates with a transaction type identifier 116 for managing the client/server session. There is no teaching, suggestion, nor capability of inserting a certificate into a cookie header of cookie 111 as required by independent Claim 1.

At least based on the above, Appellants respectfully submit Claim 1 is patentably distinguishable from the Devine reference. Furthermore, Appellants respectfully submit that there is no teaching or suggestion of the transmitting step as recited in independent claim 1. Similar arguments regarding the incorporation of a certificate into cookie header can be made for independent Claims 6 and 7.

Appellants thus respectfully submit that all claims are patentably distinguishable from the Devine reference and the outstanding rejection is untenable and should be withdrawn. A Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T2147-907679) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

Date: June 28, 2006

By: _____

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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) T2147-907679 | |
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| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on Signature _____ Typed or printed name _____ | Application Number 10/053,703 | Filed January 24, 2002 | |
| | First Named Inventor MAURIN, JOEL | | |
| | Art Unit 2136 | Examiner C. OKORONKWO | |
| <p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>45.285</u></p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> | | | |
| <p><input type="checkbox"/> *Total of _____ forms are submitted.</p> | | | |

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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